

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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MARYAM SHAHBAZIAN,	*	
	*	No. 18-1580V
Petitioner,	*	Special Master Christian J. Moran
	*	
v.	*	Filed: October 19, 2020
	*	
SECRETARY OF HEALTH	*	Stipulation; influenza (“flu”) vaccine;
AND HUMAN SERVICES,	*	transverse myelitis (“TM”).
	*	
Respondent.	*	

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Bridget C. McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner;
Darryl R. Wishard, United States Dep’t of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION¹

On October 16, 2020, the parties filed a joint stipulation concerning the petition for compensation filed by Maryam Shahbazian on October 11, 2018. Petitioner alleged that the influenza (“flu”) vaccine she received on October 24, 2016, which is contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a), caused her to suffer from transverse myelitis (“TM”). Petitioner further alleges that she suffered the residual effects of this injury for more than six months. Petitioner represents that there has been no prior award or settlement of a civil action for damages on her behalf as a result of her condition.

Respondent denies that the flu vaccine caused petitioner to suffer from TM or any other injury.

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- 1. A lump sum payment of \$160,150.55, which amount represents compensation for first year life care expenses (\$16,568.59), pain and suffering (\$140,000.00), and past unreimbursable expenses (\$3,581.96) in the form of a check payable to petitioner; and**
- 2. An amount sufficient to purchase the annuity contract described paragraph 10 of the joint stipulation, paid to the life insurance company from which the annuity will be purchased (the “Life Insurance Company”).**

This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.